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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,993	12/31/1998	M. HASSAN PIRASTEH	1246-043	4239

7590

02/23/2004

Ria Farrell Schalnet  
Frost Brown Todd LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, OH 45202

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 02/23/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/223,993

**Applicant(s)**

PIRASTEH ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/04/2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☒ Claim(s) 7 and 8 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2003 has been entered.

### *Claim Objections*

2. **Claims 7 and 8** are objected to because of the following informalities: line 2 "parts" should be "ports". Correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 6-9 and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Katz (US 5,553,120).

Regarding **claim 1**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a system for call processing"), comprising:

a telephone call-receiving switch (CO on FIG. 1) configured prior to answering a call (column 3, line 59 "a call") to detect and pass out of band call destination information (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

an IVR (AR1 on FIG. 1) adapted to perform an audio script (column 6, line 9 "to speak an instruction"), the IVR in electronic communication with the switch (column 6, lines 1-14) [The audio response unit in communication with the switch through lines LS1 speaks an instruction to the caller];

a server computer (CS on FIG. 1) in electronic communication with the telephone call receiving switch for receiving the out-of-band call destination information and in electronic communication with the IVR for forwarding the out-of-band call destination information to the IVR (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

a network structure (Remote Terminal T1-Tn on Fig. 1) in electronic communication with the IVR and the server (column 2, lines 30-40) [The remote terminals are in communication with the server through the central office switch]; and

a port sharing data interface processing program (Processors IP1 on FIG. 1) in operation with the IVR, the program adapted to enable the script to be performed on

multiple ports of the IVR (column 4, line 12 to column 5, line 8) [A packet data is assembled in the processor to specify specific questions bank associated with various game storing questions of different classification with respect to their difficulty].

Regarding **claim 2**, Katz teaches a system, wherein the call processor dynamically allocates scripts to ports (column 6, lines 5-14).

Regarding **claim 3**, Katz teaches a system, wherein the system manages port state before, during, and after a call (column 3, lines 15-24).

Regarding **claim 4**, Katz teaches a system, wherein a single list of DNIS numbers resides at the IVR (column 3, lines 55-66).

Regarding **claim 6**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a method of handling a plurality of telephone calls (column 2, lines 30-40) received at a private branch switch (CO on FIG. 1) to efficiently use a plurality of ports of an interactive voice response (AR1 to Arn on FIG. 1) to provide a selected one of a plurality of applications"), the method comprising:

in response to receiving a call (column 3, line 59 "a call") at the PBX, passing call destination information out of band (column 3, line 58 "the number received with the call") to the IVR (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

identifying an application (column 4, line 31 "specific operating format") associated with the call destination information (column 4, lines 26-45) [The called telephone number is used to select a specific operating format and game applications];

assigning the call to a selected one of the plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the remote terminal unit through one of the several sets of lines of the audio response unit];

in response to receiving the call at the IVR thereto, executing the identified application at the selected port (column 4, line 61 to column 5, line 8) [The telephone number designates a specific question bank associated with various game storing questions of different classification with respect to their difficulty].

Regarding **claim 7**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a method of handling a plurality of telephone calls received at a private branch switch to efficiently use a plurality of ports of an interactive voice response to provide a selected one of a plurality of applications"), the method comprising:

in response to receiving a call (column 6, line 48 "the course of a call") at the PBX (CO on FIG. 1), passing call destination information (column 6, line 52 "the called telephone number") to the IVR (AR1 on FIG. 1) by detecting Dialed Number Identification Service (column 6, line 53 "DNIS") and Automatic Number Identification (column 6, line 50 "ANI") associated with the call, passing the DNIS and ANI out of band to the IVR, and answering the call at the PBX (column 6, lines 42-53) [The initial

operation involves the identification of the caller by the ANI and the DNIS provided by the central office at the audio response unit];

identifying an application (column 4, line 31 "specific operating format") associated with the call destination information (column 4, lines 29-45) [The called telephone number is used to select a specific operating format and game applications];

assigning the call to a selected one of the plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the remote terminal unit through one of the several sets of lines of the audio response unit]; and

in response to thereto, executing the application at the selected port (column 4, line 61 to column 5, line 8) [The telephone number designates a specific question bank associated with various game storing questions of different classification with respect to their difficulty].

Regarding **claim 8**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a method of handling a plurality of telephone calls received at a private branch switch to efficiently use a plurality of ports of an interactive voice response to provide a selected one of a plurality applications"), the method comprising:

in response to receiving a call (column 3, line 59 "a call") at the PBX (CO on FIG. 1), passing call destination information (column 3, line 58 "the number received with the call") to the IVR (column 3, lines 55-61) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

identifying an application (column 4, line 31 "specific operating format") associated with the call destination information by associating each of a plurality of call destinations (column 4, line 33 "received telephone numbers") to a one of a plurality of applications (column 4, lines 29-45) [The called telephone number is used to select a specific operating format and game applications];

storing the associations, and in response to receiving the call destination information, looking up the call destination in the stored association (column 4, lines 29-45) [The caller scores are accumulated over a period time in the cache memory with key data for easy access];

assigning the call to a selected one of plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the remote terminal unit through one of the several sets of lines of the audio response unit]; and

in response to thereto, executing the application at the selected port (column 4, line 61 to column 5, line 8) [The telephone number designates a specific question bank associated with various game storing questions of different classification with respect to their difficulty].

Regarding **claim 9**, Katz discloses detecting dialed Number Identification Service and Automatic Number Identification associated with the call (column 4, lines 26-45); passing the DNIS and ANI out of band to the IVR (column 4, lines 26-45); and answering the call at the PBX (column 4, lines 12-25).



Regarding **claim 12**, Katz discloses wherein the telephone call receiving switch is further configured to detect and pass out of band call destination information by detecting comprising Dialed Number Identification Service and Automatic Number Identification associated with the call (column 4, lines 26-45).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Hou et al. (US 5,325,421).

Regarding **claim 5**, Katz discloses a telephonic interface game control system (column 1, lines 40-45), (which reads on claimed “a system”), comprising:

a plurality of telephone call receiving switches (CO on Fig. 1) each configured prior to answering a call to detect and pass out of band call destination information (column 3, lines 55-61) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

a plurality of multiple port IVR's (column 3, line 22 “LS1-LSn”) adapted to play a plurality of scripts (column 4, line 39 “selection of cues”), in electronic communication with the switch (column 3, lines 15-24) [The communication facility couples the terminal unit to the set of lines of the audio response unit];

at least one server computer (24 on FIG. 1) in electronic communication with the telephone call receiving switch (CO on FIG. 1) for receiving the out-of-band call destination information (column 4, line 33 “DNIS”) and the in electronic communication with the IVR's (column 3, lines 15-24), the at least one server configured to associate one of the plurality of scripts to the out-of-band call destination information (column 4, lines 12-25) [The master control memory unit supplies operating program data];

a network structure (CS on Fig. 1) facilitating electronic communication between the IVR's and the switches and the at least one server (column 3, lines 4-14); and

a port sharing data interface processing program (22 on FIG. 1) in operation with IVR's, whereby each port of each IVR is monitored to determine its availability to receive a call (column 3, line 26 "communication"), to request call destination information (column 4, line 33 "DNIS") from the server via the network structure and play at least one of the scripts (column 6, line 7 "receiving cue signals") to a caller (column 6, lines 5-14) [The audio response unit receives cues signal from the processor to activate the remote telephone unit and speak an instruction].

Katz discloses a central office with multiple terminals but fails to disclose a plurality of telephone call receiving switches.

However, Hou teaches a plurality of telephone call receiving switches (225 and 250 on Fig. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of telephone call receiving switches of Hou in the network of Katz.

The modification of the invention would offer the capability of a plurality of telephone call receiving switches such as the system would provide the subscriber a number of enhanced functionalities.

8. **Claims 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Hammarström et al. (US 6,044,142).

Regarding **claim 10**, Katz discloses a telephonic interface game control method (column 1, lines 40-45), (which reads on claimed "a system for call processing"), comprising:

a telephone call receiving switch (CO on FIG. 1) configured to detect call destination information of an incoming call, to assign the incoming call to a selected one of a plurality of channels (AR1-Arn on FIG. 1), to pass the call destination out of band to the selected channel, and to answer the incoming call (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

a server apparatus (CS on FIG. 1) in data communication with the switch and the telephone call receiving switch and responsive to the out of band call destination information to identify an associated application with reference to the table and to a call identifier to the incoming call (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

an IVR (AR1 on FIG. 1) that includes a port (LS1 to LS<sub>n</sub> on FIG. 1) in telephony communication with the selected channel and in data communication with the server, the IVR including a port sharing data interface processing program (IP1 on FIG. 1) responsive to the detected call destination information and incoming call reaching the

port to access the associated program to perform on the selected port (column 6, lines 1-14) [The audio response unit in communication with the switch through lines LS1 speaks an instruction to the caller].

Katz discloses a master control memory unit with a cache memory but fails to disclose a table containing a plurality of call destination records.

However, Hammarström teaches a table (14 on FIG. 1) containing a plurality of call destination records (column 7, line 37 "call information") associated with a plurality of applications (column 7, lines 37-47) [The service control point analyzes the call information provided by the switch to identify the service script requested from the caller].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a table containing a plurality of call destination records of Hammarström in the invention of Katz.

The modification of the invention would offer the capability of a table containing a plurality of call destination records such as the system would forward the calling party to the operator workstation to serve the caller.

Regarding **claim 11**, Katz teaches a scripter configured to prepare a script responsive to the call origination information (column 6, lines 5-14).

***Response to Arguments***


9. Applicant's arguments with respect to **claims 1-12** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

  
g.g.  
February 20, 2004

FAN TSANG  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2600

